

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

2012 FEB 28 PM 2:18

MARCY M. FULLER

Plaintiff,

v.

SYNDICATED OFFICE SYSTEMS, INC.,  
dba CENTRAL FINANCIAL CONTROL

Defendant.

Federal Case #:

State Case #: 12SL-AC00528

Jury Trial Demanded

**NOTICE OF REMOVAL**

Comes now defendant Syndicated Office Systems, Inc., dba Central Financial Control, (named by plaintiff as "Central Financial Control" and referred as such herein), by and through its attorneys, Boyle Brasher LLC, and for its Notice of Removal, states the following:

1. On January 5, 2012, plaintiff filed a Petition against Central Financial Control in the Circuit Court of St. Louis County, Associate Division, State of Missouri. Plaintiff's action has been assigned Case Number 12SL-AC00528.
2. The Petition is the only pleading served on defendant thus far in this cause. See attached Exhibit A.
3. The Petition was served on Central Financial Control on January 30, 2012. See attached Exhibit B.
4. Therefore, this Notice of Removal has been timely filed within 30 days after the service of the Petition.
5. This Court has "federal question" jurisdiction over this matter pursuant to 28 U.S.C. §1331. Plaintiff filed a two-count Petition, and each count is within the scope of the Court's subject matter jurisdiction.
6. Plaintiff's Petition alleges two counts. Count I claims violation by Central Financial Control of the Fair Debt Collections Practices Act, 15 U.S.C. §1692 et seq. by causing "a telephone to ring repeatedly with the intent to annoy, abuse, or harass any person at the called number."
7. Count II of plaintiff's Petition claims violation by Central Financial Control of the Telephone Consumer Protection Act, 47 U.S.C. §227 et seq., by "placing non-emergency phone calls to plaintiff's cellular phone without express authorized consent of the plaintiff."

8. According to 28 U.S.C. §1331, this Court “shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.”

9. Both the Fair Debt Collections Practices Act, 15 U.S.C. §1692 et seq. and the Telephone Consumer Protection Act, 47 U.S.C. §227 et seq. are laws of the United States, and the claims of plaintiff arising under those statutes are subject to the Court’s jurisdiction.

10. In accord with 28 U.S.C. §1446(b), defendant is properly giving written notice of this filing to plaintiff’s counsel, James W. Eason, Eason & Voytas, LLC, 1 North Taylor Ave., St. Louis, Missouri 63108, and to the Clerk of the Circuit Court of St. Louis County, Associate Division.

WHEREFORE, defendant respectfully requests that the action captioned Marcy M. Fuller, Plaintiff, v. Central Financial Control, Defendant, No. 12SL-AC00528, currently pending in the Circuit Court of St. Louis County, Associate Division, Missouri, be removed to this Court and that this Court take subject matter jurisdiction of this action.

Respectfully submitted,

BOYLE BRASHER LLC

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Attorneys for defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading has been mailed, first class mail, postage prepaid, this 28 day of February, 2012 to:

James W. Eason  
Eason & Voytas, LLC  
1 North Taylor Ave.  
St. Louis, MO 63108

*David T Donahue*